

**IN THE HIGH COURT OF JUDICATURE, ANDHRA  
PRADESH  
AT HYDERABAD**

**HON'BLE Mr. JUSTICE R. SUBHASH REDDY**

**Writ Petition Nos.21832 and 22486 of 2007**

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**Dated: October 26, 2007**  
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**Between:**

P. Bhaskar, S/o. Narsaiah, aged 33 years,  
Occ: Agriculture, R/o. Munipalli, Jakranpalli  
Mandal, Nizamabad District, and another.

... Petitioners

And

M. Saya Reddy, S/o. M. Sayanna, aged 37 years,  
Occ: Agriculture, R/o. Munipalli, Jakranpalli Mandal,  
Nizamabad District, and others.

... Respondents

**Common Order:**

These two writ petitions have been filed questioning the very same order, i.e. order dated 03-10-2007, passed by the A.P. Cooperative Tribunal, Hyderabad in I.A.No.377 of 2007 in C.T.A.No.70 of 2007, and, as such, they are being disposed of by this common order.

2. Elections were held to the Managing Committee of the second

respondent, Primary Agricultural Cooperative Society Ltd., Munipalli (for short 'the Society'). While first respondent was elected as its President, petitioners in W.P.No.21832 of 2007 were elected as members and petitioner in W.P.No.22486 of 2007 was elected as Vice-President. The Board of Directors of the Society filed representation dated 18-07-2007 to the Deputy Registrar of Cooperative Societies/Divisional Cooperative Officer, Nizamabad, third respondent herein, stating that the first respondent, who was elected as President of the Society failed to conduct Committee meetings within the statutory period of three months or the grace period of one month thereafter, after 05-03-2007, as contemplated under Section 32(3) of the A.P. Cooperative Societies Act, 1964 ('the Act' for brevity); hence he ceases to be the President of the Society. Based on the said representation, after calling for reports from the Sub-Divisional Cooperative Officer, Armoor, third respondent passed order dated 28-07-2007 in Rc.No.809/2007-C, declaring that first respondent shall cease to be the President of the Society under Section 32(2) of the Act, with effect from 05-07-2007. Against the said order, first respondent filed an appeal as provided under Section 76 of the Act before the A.P. Cooperative Tribunal, Hyderabad, which initially granted ex parte interim order on 30-07-2007 and subsequently, after hearing both sides, by order dated 03-10-2007, made the said interim order absolute till the disposal of the appeal and also instructed the parties to get ready for disposal of the appeal within six weeks therefrom.

3. Heard Sri Nandigam Krishna Rao, learned counsel for petitioners, and Sri R.N. Hemendranath Reddy, learned counsel appearing for the first respondent.

4. Learned counsel for petitioners, submits that though there was no notice indicating the conduct of meeting of the Managing Committee after 05-03-2007, the Tribunal below, misconstruing the notice with regard to General Body Meeting, allowed the application. He further submits that records of the Society were tampered with and the said issue was also not taken note of by the Tribunal below.

5. It is to be seen that against an order passed under Section 32(3) of the Act, a statutory appeal is provided to the Cooperative Tribunal under Section 76 of the Act. First respondent has availed the remedy of appeal available to him by filing an appeal before the Tribunal against the order passed by the Deputy Registrar of Cooperative Societies/Divisional Cooperative Officer, Nizamabad. Prima facie, the Tribunal, having satisfied that meetings were convened subsequent to 05-03-2007, stayed the order dated 28-07-2007, by order dated 30-07-2007 and made it absolute by the impugned order. Whether notice has been issued calling for General Body Meeting, whether any records were tampered or not, are matters which are required to be considered in detail by the Tribunal. As much as the appeal filed by the first respondent is pending consideration before the Tribunal, I am not inclined to interfere with the impugned order.

6. In the circumstances, I dispose of the writ petitions directing the A.P. Cooperative Tribunal, Hyderabad to dispose of C.T.A.No.70 of 2007 preferred by the first respondent against the order dated 28-07-2007 passed by the Deputy Registrar of Cooperative Societies/Divisional Cooperative Officer, Nizamabad, within a period of four weeks from the date of receipt of this order. It is clarified that the Tribunal shall consider the allegations of petitioners, namely, that no meetings have been conducted after 05-03-2007, the notice, which

was issued, was only with regard to General Body Meeting but not with regard to Committee Meeting and also that records were tampered with, and pass appropriate orders, without being influenced by any of the observations made in the impugned order. No order as to costs.

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**JUSTICE R. SUBHASH REDDY.**

October 26, 2007

**Note:** Furnish C.C. by 30-10-2007

**B.O.**

**MRR**